* ZONING COMMISSIONER 12th Election District * OF BALTIMORE COUNTY

7th Councilmanic District Nathan J. Winslow, et ux

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* Case No. 89-257-SPH

The Petitioners herein request a special hearing to approve the nonconforming use of the subject property as a four unit apartment building in a D.R. 10.5 zone as more particularly described in Petitioner's

The Petitioners, and the Contract Purchaser, by David G. Johnston of Landex, Inc., appeared, testified and were represented by John B. Gontrum, Esquire. Also appearing on behalf of the Petition were Douglas Kennedy, a registered professional engineer with KCW Consultants, Inc., who prepared Petitioner's Exhibit 1, Griffith Davis, and Ron Gajewski. Petitioner's Exhibit 1 contains additional notations placed thereon by the attorney for the Petitioner. There were no Protestants.

Testimony indicated that the subject property, known as 2625 Yorkway, was improved by a four unit apartment building in 1943 or 1944. Testimony indicated that there are two units on the first floor of the building and two units on the second floor. The basement portion of the building is improved with storage and utility space. Tax records submitted into evidence establish that the subject building has been assessed and transferred over the years as at least a four unit apartment building continuously and without interruption since approximately 1943. Testimony and evidence presented substantiates that the building was originally

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 XXXXXXX 887-3353 J. Robert Haines

December 29, 1988

John B. Gontrum, Esquire 809 Eastern Boulevard Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING NE/S Yorkway, 715' SE of the c/l of Leeway (2625 Yorkway) 12th Election District - 7th Councilmanic District Nathan J. Winslow, et ux - Petitioners Case No. 89-257-SPH

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> 7. Robert Haines J. ROBERT HAINES Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

JRH:bjs

cc: People's Counsel

File

constructed as a four unit apartment building and has been used consistently used as a four unit apartment building since its original development. The evidence tends to indicate the subject property was zoned "D" residential during the 1945 Baltimore County Comprehensive Zoning. The evidence further establishes that the exterior parameters of the building have not changed or been altered since the original construction.

Numerous other cases have been considered over the years for nonconforming use in the immediate vicinity. Affidavits from those cases also were introduced by Petitioner and indicate that the Yorkway units were all built at about the same time in 1943 or 1944 as four unit apartment buildings. Over the years some buildings have added additional units in the basement area. In almost every case, without exception, nonconforming uses have been granted for at least four units. Case No. 89-103-SPYH was decided in September, 1988 for 2532 Yorkway for a similar building in the next block. Additionally, Case Nos. 88-14-SPH and 86-290-SPH found that nonconforming uses existed for at least four apartments since prior to 1945. In the instant case, the Petitioner requests a nonconforming use for the original four apartment units only.

The first issue to be determined in a nonconforming use case is whether or not the property in question was legally and permissibly developed prior to the statutory change which created the alleged nonconforming status. The four unit apartment building in the instant case was constructed prior to the adoption of the 1945 zoning regulations. This property is often referred to by the Petitioner and in this Opinion as an apartment building. This building is an apartment house as that term was defined in the original 1945 Baltimore County Zoning Regulations (B.C.Z.R.). That term was then defined as:

PETITION FOR SPECIAL HEARING

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____

apartments) located on Yorkway, Baltimore County, Maryland (#2506, #2611, 32713)

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):

Mathan

(Type or Print Name)

9703 Oak Summit Avenue

City and State

Baltimore, Maryland 21234

Name, address and phone number of legal owner, con-

tract purchaser or representative to be contacted

Nathan J. Winslow, et. ux.

as a legal non-conforming use the following buildings (each with four

Property is to be posted and advertised as prescribed by Zoning Regulations.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Contract Purchaser:

City and State

Attorney for Petitioner:

John Gontrum

(Type or Print Name)/

809 Eastern Blvd.

MON./TUES./WED. - NEXT TWO MORTES

Jydith S. Siegel, President

250 Centerville Road, Bldg. 6

ignature Landex Corporation

Warwick, R.I. 02886

"A detached building used and/or arranged for occupancy as dwellings for three or more families as separate housekeeping units. All such housekeeping units shall have unity in use and be supplied, in common, with heat, seweroja and/or other public convenience or utilities."

There is evidence of heat and public utilities in common and an acceptable number of units. Therefore, the building does comply with the "D" residential zoning placed on the land on January 2, 1945 for an apart-"D" residential zoning permitted all uses as provided for under a "C" residential zone and "C" residential zoning permitted apartment houses as a matter of right.

The Petitioner has established that the building existed prior to January 2, 1945 or the beginning of zoning regulations. The Petitioner has also established that the building was acceptable under the "D" residential zoning in place from January 2, 1945 through 1955.

The second principal to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the property. A determination must be made as to whether or not any change that has occurred is a different use and therefore breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

Clearly, the use of the subject property has not changed since The property has always been a four unit apartment building and there have been no changes or interruptions in that use. The subject property was also in compliance with the original "D" residential zoning for an apartment house for four (4) apartment units.

The Petitioner does not claim an expansion of this use beyond the original four apartments. The evidence establishes the apartments in the subject building have been occupied continuously and without interruption since approximately 1944.

Pursuant to the advertisement, posting of the property, and public hearing held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of December, 1988 that the Petition for Special Hearing to approve the nonconforming use of 2625 Yorkway as a four unit apartment building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

> Zoning Commissioner for Baltimore County

JRH:bjs

William K. Woody, L.S.

John M. Cosaraquis, L.S. (Ret.) KCW Consultants, Inc. **Civil Engineers and Land Surveyors**

1777 Reisterstown Road Commercentre, Suite 175 Baltimore, Maryland 21208

(301) 484-0894 / 484-0963

November 29, 1988 PETITIONER/CONTRACT PURCHASER: LANDEX CORPORATION 250 Centerville Road, Bld. 'F' Warwick, Rhode Island 02886

Attn: Ms. Judith Siegel

(401) 732-5430 PROPERTY DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING 12th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Item

BEGINNING for the same at a point in the northeasterly line of Yorkway, as now laid out fifty feet wide, distant six hundred eighty-seven and fourteen one-hundredths feet southeasterly measured along said northeasterly line of Yorkway from the southeasterly line of Leeway as now laid out sixty feet wide, all as shown on Plat No. 4 of DUNDALK dated April 1940 and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. No. 12, folio 63, and running thence north forty degrees thirty-eight minutes fifty-two seconds east one hundred two and one one-hundredth feet to intersect the southwesterly line of a fourteen foot alley there situate and as shown on said plat, thence binding on the southwesterly line of said alley south forty-nine degrees seventeen minutes forty seconds east sixty-six and forty-two one-hundredths feet, thence south forty degrees thirty-eight minutes fifty-two seconds west one hundred one and ninety-four one-hundredths feet part of which is distance is intended to be along the center line of a party wall there situate to intersect said northeasterly line of Yorkway, thence binding on said northeasterly line of Yorkway north forty-nine degrees twenty-one minutes eight seconds west sixty-six and forty-two one-hundredths feet to the place of beginning; the improvements thereon being now known as 2625 Yorkway.

#2625 YORKWAY Acc. #12-18-049053

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

December 29, 1988



Community Development Administration 45 Calvert Street Annapolis, Maryland 21401

Benton Mortgage Company 5731 Lyons View Drive Nashville, Tennessee 37919

RE: Yorkway Apartments

I have this day taken testimony and evidence with respect to the following Yorkway Apartment Buildings:

2513 Yorkway 2515 Yorkway 2517 Yorkway 2519 Yorkway 2521 Yorkway 2506 Yorkway 2611 Yorkway 2613 Yorkway 2625 Yorkway 2605 Yorkway 2607 Yorkway 2627 Yorkway 2629 Yorkway 2504 Yorkway 2510 Yorkway

2511 Yorkway

Based on the testimony and evidence presented, I am issuing findings of fact and conclusion of law indicating that these buildings all have legal nonconforming uses as four unit apartment buildings.

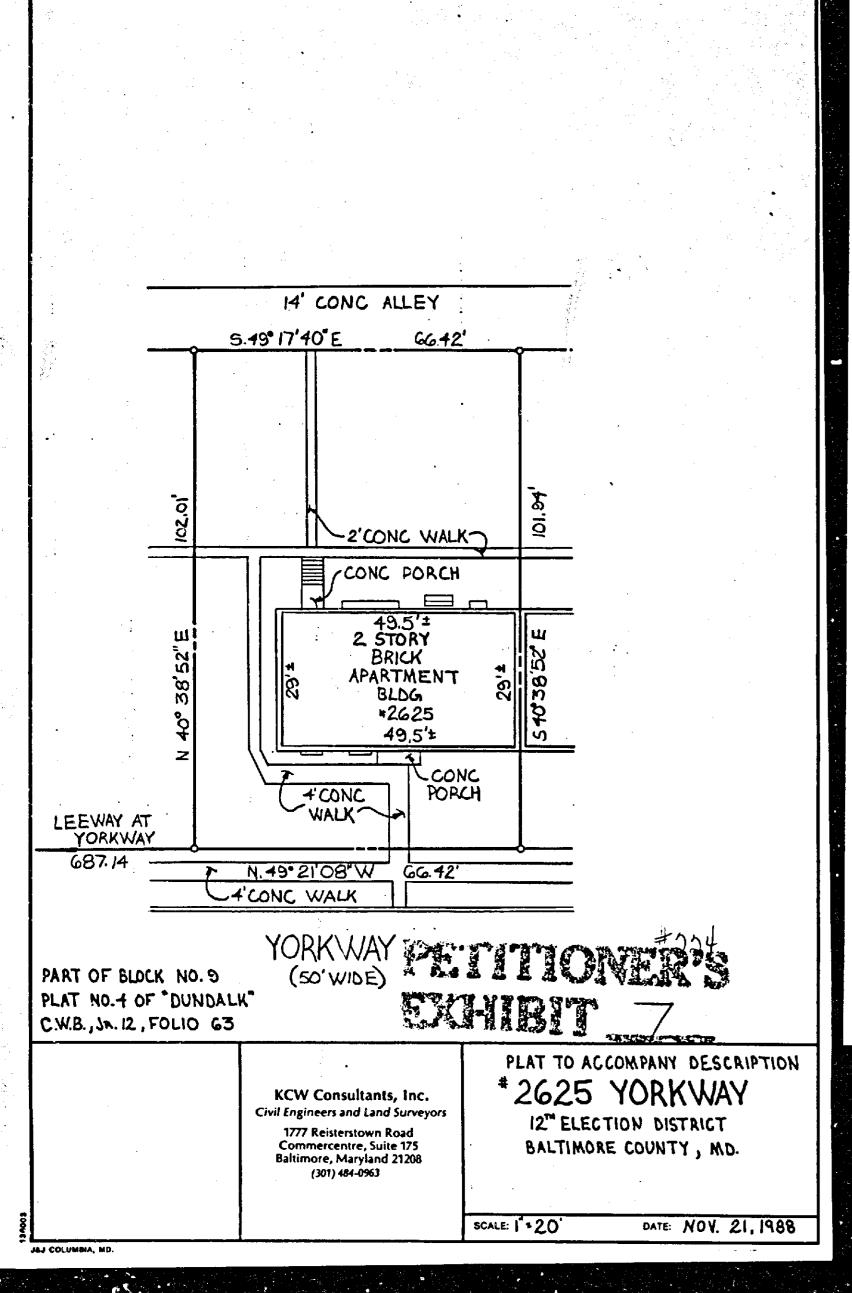
Essex, Md. 21221 Attorney's Telephone No.: 301-686-8274 ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore Zoning Commissioner of Baltimore County. estimated length of hearing -1/24R. AVAILABLE FOR HEARING

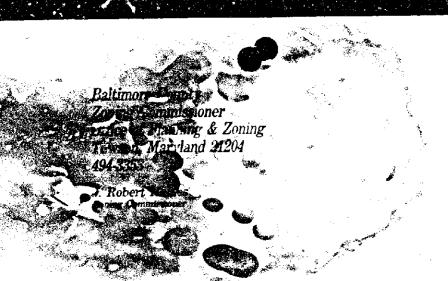
REVIEWED BY: UCR DATE 11/29

#2506-item-221 #2611-item-222 #2613-item-223

#2625-item-224

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.







NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 89-257-SPH
NE/S Yorkway, 715' SE of c/l of Leeway (2625 Yorkway)
12th Election District - 7th Councilmanic
Legal Owner(s): Nathan J. Winslow, et ux
Contract Purchaser(s): Landex Corporation
HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

SPECIAL HEARING: Nonconforming use of 2625 Yorkway (four apartments).

In the event 'hat this Petition is granted, a building permit may be issues within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

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Zonin Office	nore County			
_	ert Haines ommissioner			About many control of the control of
	John B. Gontrum, Esq. 809 Eastern Boverlard Essex, Maryland 21221	DEC 1 2 1988		market et et et en
	RE: Petitions for Special (CASE NUMBERS: 89-249-S) Your Client: Landex Colored Date of Hearing: Thursd	PH thru 89-264-SPH	Dennis F. Rasmussen County Executive	
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•	it to the Zoning Office, Col	ble to Baltimore County, Marylan unty Office Building, Room 111, minutes before the hearings are	Toweon	
	Please note that due to the be no need for your client to office will do same.	number of signs to be returned, to remove and return the signs,	here will as this	
		Very truly yours,		,
		1:/		
	cc: Mr. Walter Stealey Ms. Judith S. Siegel	J. ROBERT HAINES Zoning Commissioner of Baltimore County		

* \$ 90.63 each property

File

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	Judith S. Siegel, President, Landex Corp.	
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	Warwick, RI 02886 Building #6 Filing Fee for Special Hearing (1 of 17)	
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115 NEW 31	4 Individual Apartments In Each House
N.CALIMET ST	EACH APARTMENT HAS
AUG 21234	LANGE LIVING BOOM SIZE IS FEET & INCHES WIDE BY 17 FEET & INCHES LONG. LANGE BEDROOM SIZE IS FEET & DICHES LONG AND 10 FEET & INCHES WIDE BEDROOM MAS TWO SEPARATE CLOSETS.
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scilo MARA	OPEN DAILY SAMPLE APARTMENT 1ST FLOOR 2554 YORKWAY
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CERTIFICA OF PUBLICATION

office of Dundalk Eagle

4 N. Center Place P. O. Box 8936 Dundalk, Md. 21222

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

MOTICE OF MEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County will hold a public hearing on

the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as fol-

Potition for Special Hearing CASE NUMBER: 89-257-SPH NE/S Yorkway, 715' SE of c/1

of Looway (2625 Yorkway)
12th Election District
7th Cooncilmanic District
Legal Owner(s):
Bathan J. Winslow, et ux
Contract Purchaser(s):

at 9:00 a.m.

Landex Corporation
HEARING SCHEDULED:
THURSDAY, DECEMBER 29, 1988

SPECIAL HEARING: Nonconforming

use of 2625 Yorkway (four apart

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, extention and appeals to the control of the

however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES

Zoning Commissioner of

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Special Hearing: Nonconforming use of 2625 Yorkway (four apartments) In the event that this Petition is

granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the

THIS IS TO CERTIFY, that the annexed advertisement of I. Robert Haines in the matter of Zoning Hearings - Case # 39-257-SPH - P.O. #07729 - REQ. #M20497 - 80 lines @ \$40.00 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 9th day of December 1988; that is to say,

the same was inserted in the issues of Dec. 8, 1988

Kimbel Publication, Inc.

December 8,

CERTIFICATE OF PUBLICATION

TOWSON, MD., Decomber 9, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 8, 1988.

THE JEFFERSONIAN,

5. Zale Olman PO 07746 Publisher reg M 20496

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
Dec. 8.

0.41 ca 35.6.

AFFIDAVIT OF NANCY CAPECCI

I, NANCY CAPECCI, hereby certify that I am over 18 years of age and am competent to testify as follows:

1. My husband and I first purchased 2528 Yorkway in 1946 and lived there from 1947 through 1962. We continued to own that property until 1985, but rented it between 1962 and 1985. I reacquired the property in 1987.

2. During the period of time that I lived at 2528 Yorkway, as well as the period that I was visiting the property on a weekly and sometimes a daily basis in my capacity as a landlord, I was acquainted with the other properties along Yorkway.

3. I have testified in Case Number 89-103 and have given an Affidavit in that case. My testimony and Affidavit are correct with respect to the facts recited. In Case Number 89-103-SPH I identified the flier, a copy of which is attached hereto and made a part hereof as part of the original advertising for the premises along the 2500 and 2600 Yorkway.

4. All of the apartment buildings in the 2500 and 2600 block of Yorkway were originally built prior to 1945 as four unit apartments. Some of the units had basement apartments or later added basement apartments to them.

5. I have also testified in Case Number 88-14-SPH before the Board of Appeals with respect to 2619 Yorkway, and feel competent to testify that all of these buildings which are the subject to the case here today were originally built prior to 1945 as four

PETITIONER'S EXHIBIT 3A

AFFIDAVIT

My name is Connie Ports and my address is Apartment B, 2607 Yorkway, Dundalk Maryland 21222. I first moved to the Yorkway area in 1963 and after leaving for a short while, I moved back again in 1971. I have acted as a manager for several of the apartment buildings in the 2600 block of Yorkway and at one time managed 2619 Yorkway. I testified before the Baltimore County Board of Appeals in Case No. 88-14 with respect to 2609 and 2619 Yorkway. It was my testimony at that time under oath, that I have been in all of the buildings along the 2600 block of Yorkway and that they were all identical as four (4) unit apartment buildings, except that some apartments had added an additional apartment in the basement. It was and is my testimony that these buildings were all constructed originally as four (4) bedroom unit apartments and during the familiarity with these apartments for the 1960's up to the present time, these buildings have all been used continuously and uninterruptedly with four (4) apartment units per building.

I solemnly declare and affirm that the above statements are true to the best of my knowledge, information and belief.

CONNIE POPTS

I hereby certify that on this day of day of least the least public for said State and County, personally appeared CONNIE PORTS, Affiant, and solemnly affirmed under the penalties of perjury and under oath in due form of law that the contents of the foregoing paper are true to the best of her knowledge, information and belief.

My commission expires: 7 90 PUBLIC PU

PETITIONER'S
EXHIBIT 3B

LAW FIRM

ROMADKA,

GONTRUM

& HENTIEGAN ESSEX, MARYLAND

89-249514 V 89-264514

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DOUGLAS L. KENNEDY, P.E.	KCW CONSULTANTS, INC. 1777 REISTERSTOWN RD., SUITE 175
	BALTIMORE, MD. 21208
Der GAjewski	1913 Charlesmont Ed. Balto, pid. EIZEZ
Graces Oris	A Chan Ro. Baistoner Mo 2121
DIVID G JOHNSTON	LANDEX CORPORATION

PETITIONER(S) SIGN-IN SHEET

AFFIDAVIT

My name is James Thompson and I am the Zoning Enforcement Supervisor for the Department of Planning and Zoning in Baltimore County, Maryland. I have been employed in the Zoning Office as a Zoning Enforcement Officer and as a Zoning Inspector for 11 1/2 years. For the past 6 years, I have acted as the Chief of the Zoning Enforcement Section. Over these years, I have become acquainted with the apartment buildings on Yorkway in the Dundalk area of Baltimore County. Numerous violations have been filed against various units on the Yorkway complex for exceeding the permitted number of units within the given zone. A review of the zoning records on the numerous violations which we have researched over the past decade indicates that the apartment units on the 2500 and 2600 block of Yorkway were all built about the same time in 1943 and 1944. The units were all built as four (4) unit apartments. When zoning became effective in January in 1945, these apartment buildings were classified as a Class D residential zone. This zone allowed three (3) units or more per dwelling. However, the original regulations provided for non-conforming uses as follows:

"A lawful non-conforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such non-conforming use to a conforming use, or any attempt to change from such

PETITIONERS EXHIBIT 4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

To Zoning Commissioner

Pat Keller, Deputy Director

FROM Office of Planning and Zoning

Landex Corporation

Date December 28, 1988

Landex Corporation
SUBJECT Zoning Petition Nos. 89-249-X thru 89-264-X

The applicant is requesting a special hearing to establish four apartment units within 19 buildings, the majority of which constitute York Park as shown on the applicant's site plan dated October 20, 1988. It is not clear from the applicant's submittal if buildings 2515, 2609, 2527 and 2529 are included in this request. Baltimore County has been involved with various improvements to this project. Money has been utilized in the past to rehabilitate and upgrade railroad right-of-way that is located along the rear of block No. 9. Staff has no detailed comments or recommendation regarding this request.

PK/sf

REAL ESTATE NUMBER NAME AND ADDRESS OF apartments Inc. - 2534 YORKWAY 943 LAS Let 61.16×103.06 N/S Yorkway N/E/coi Leeway - 4 Unit apartment House 7500 \$2601 Yorkway 1943 6 to the top 10758 N/S Jackway 61.16. N/E of Leeway 19403 yorkway 4 mit apartment House 7500. 12603 yorkway Let 49 x 10 x 53 N/S Josheway 110.16.

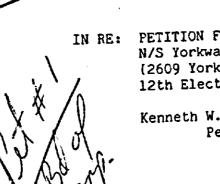
A want apartment House 7500 12605 yorkway 10-13; 18 Lat 66.36x 10x40 N/S Jackway 159.16. 4 Knit apartment Louis __ 7500. __ 3607 forker Let 66.36 × 107.40 N/S Yorkersy 74554 ___ I unit apartment There 7500, \$2609 Fackway A Vant apartment toure_ 1943 Blog Let 66.42 × 10 × 17 M/S Yorkway \$56.30

444 B A Linit apartment Sauce 7500. \$2617 Jankway 9-13 B to 4 Lot 49 × 10 × 11 N/S Jorkevay 5 7 × 7 × 1000 3619 yorkway

4 Knit apartment None 7500. \$2619 yorkway 9-13 Blot Let 49×10×.08 N/S Jorkeway 571.74

1944 19 A A author Chartment James 7500. 314 Jorkway. 1943 Ctot Lat 66.4xx 10x0+ N/S Jorkway 640,72 - authorist traces of stones 943 E GF Lat 66.47 x 101:94 N/S Horkerry 687.14 Lat 49.33× 107.97 ing N/S Harfeway 80 256

PETITIONER'S EXHIBIT 5



IN RE: PETITION FOR SPECIAL HEARING
N/S Yorkway, 225' E of Leeway
(2609 Yorkway)
12th Election District

(2609 Yorkway)
12th Election District

Kenneth W. Martin, et ux,
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-290-SPH

The Petitioners herein request a Special Hearing to determine whether or not approval should be granted for the non-conforming use of 2609 Yorkway as a four apartment building since 1945, and furthermore, the non-conforming use of two additional apartments in existence since 1951.

Pursuant to the advertisement and posting of the above referenced property, a public hearing on the Petition was held on January 28, 1986, at which time one of the Petitioners testified that six apartments had been rented continuously since his purchase of the property in 1980. A witness testified that both basement apartments were occupied from spring to fall of 1957.

apartments. One of the Protestants testified that the building was constructed in 1945; that in 1963 he was aware of one basement apartment; and that currently he can see a cat living in another basement apartment. The other Protestant testified that through the years, he gradually became aware that there were basement apartments in the neighborhood.

At the request of the Petitioner, the case was continued. The file indicates that the Petitioner would contact the Deputy Zoning Commissioner within 60 days to arrange a date to continue the case. The file includes copies of both a July and a September letter from the Deputy Zoning Commissioner asking that the Petitioner request either a continuation or a dismissal of the case. At this

en noted

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

December 20, 1988



Judith S. Siegel, President 250 Centerville Road Building Six Warwick, Rhode Island 02886

RE: Case Numbers 89-249-SPH through

Dear Ms. Siegel:

Upon review of the documentation which you have submitted in the above referenced cases supporting the evidence of a nonconforming use in the 16 locations on Yorkway which are the subject of the above referenced cases, I am satisfied that if all of the dwellings were constructed with four dwellings prior to January 2, 1945 that obviously an apparent nonconforming use existed at one time. Due to the extreme emergency of your mortgage obligations prior to December 31, 1988, I will provisionally approve the building permits subject to a final determination upon presentation of evidence in the hearing on December 29th. The 16 cases have been advertised and a hearing will occur on the 29th which will allow any protestants to provide any evidence in opposition to the existence of the nonconforming use.

Very truly yours,

J. Robert Haines
Zoning Commissioner

RH:scj

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